

Examiner-Initiated Interview Summary	Application No.	Applicant(s)	
	09/027,439	PORTUGAL ET AL.	
	Examiner	Art Unit	
	Jehanne Souaya Sitton	1634	

All Participants:

(1) Jehanne Souaya Sitton.

(2) Richard Traverso.

Status of Application: Reply Brief filed

(3) _____.

(4) _____.

Date of Interview: 30 June 2004
Time: _____

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No
 If Yes, provide a brief description:

Part I.

Rejection(s) discussed:
 NA

Claims discussed:
 status of claims on appeal

Prior art documents discussed:
 NA

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:
 See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.


 (Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner indicated that the status of the claims in the reply brief filed June 16, 2004 was incorrect. The examiner indicated that it appeared that the reply brief referenced claims from an unentered first amendment after final rejection (11/3/2003). Applicant's attorney stated that the advisory action which accompanied the examiner's amendment, noted that the after final amendment would be entered. The examiner indicated there were 2 different advisory actions which were sent out in response to 2 different amendments after final rejection. The examiner indicated the first amendment after final (submitted 11/3/03) was not entered and that the first advisory action (mailed 12/24/2003) indicated that such claims were not entered. The examiner indicated that the second amendment after final rejection (submitted 2/2/2004) had been entered, which canceled claim 54, and that the second Advisory Action (mailed 4/16/2004), which accompanied the examiner's answer, indicated that the amendment filed 2/2/2004 was entered. The examiner indicated that the second advisory action mailed 4/16/2004 a) only referenced the February 2, 2004 after final amendment, at the top of the advisory action, b) that it did not include a claim 54 in the status and c) indicated that the cancelation of claim 54 had overcome a rejection under 35 USC 102(b), because the amendment filed 2/2/2004 had canceled that claim, while the amendment filed 11/3/2003 had only amended that claim. The examiner indicated that the reply brief therefore incorrectly noted the status of the claims because the claims in the reply brief were not indicated as entered in the second advisory action (mailed 4/16/2004). Applicants attorney acknowledged the incorrect status of the claims in the reply brief filed June 16, 2004.